



Jim Doyle, Governor  
Mary P. Burke, Secretary

## Wisconsin Department of Commerce, Bureau of PECFA

### Bid Document

#### SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

**Bid Round:** 45  
**Comm #:** 53218-1851-25  
**BRRS #:** 03-41-529001  
**Site Name:** Bergers Car Care  
**Site Address:** 7525 W. Florist Ave., Milwaukee, 53218

**Site Manager:** Stephen Mueller  
**Address:** 101 West Pleasant Street, Suite 100A  
**City, State Zip:** Milwaukee, Wisconsin 53212-3963  
**Phone:** (414) 220-5402  
**e-mail:** Stephen.Mueller@Wisconsin.Gov

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**City, State Zip:** Milwaukee, Wisconsin 53212-3963  
**Phone:** (414) 220-5402  
**e-mail:** Stephen.Mueller@Wisconsin.Gov

<b>Bid-Start Date:</b>	<b>September 18, 2006</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>October 2, 2006, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>October 20, 2006</b>
<b>Bid-End Date and Time:</b>	<b>November 3, 2006, 4:00 PM</b>

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

**Action Legal-Milwaukee, 757 N Broadway, Suite 200, Milwaukee, WI 53202**

**Phone: (414) 276-2679**

**Fax: (414) 276-1529**

## **SECTION 2 – Site-Specific Bid Requirements**

### **A) Bid Manager Comments**

#### 1) General Comments:

The site is a former gasoline station located at 7525 W. Florist Ave., in a commercial-residential area in the City of Milwaukee. The station stopped dispensing gasoline permanently after three (4,000 to 6,000-gallon) gasoline underground storage tanks (USTs) were removed in early 1980, and is currently an automotive service and repair garage. One 500-gallon waste oil UST was removed in September 2004. The property has an approximate area of 22,500 square feet with an approximately 4,100 square foot building on the east side of the property. The remainder of the site is asphalt and/or concrete paved.

According to a brief letter report for the neighboring site (Berti Property, BRRTS # 03-41-005074) to the immediate south, a release occurred in the 1970s on the Berger Car Care property, which at the time was an Exxon gasoline station, and “adversely affected” the Berti property. When notified of the problem, Exxon reportedly “pulled/replaced the leaking tank and trenched out soil along the east and north walls of Mr. Berti’s building. They also relocated his sump pump outside of his building to prevent future fumes from entering the building. A vent pipe was connected up to [the] sump pump.” The sump crock was filled by Berger Car Care’s previous consultant; however, the sump vent pipe may still remain in the southeast corner of the site.

Investigation activities at the Berger Car Care site have included installation of 3 direct-push soil borings (July 2004), 7 drilled soil borings with 6 completed as groundwater monitoring wells (December 2004), and 4 drilled soil borings with 2 completed as groundwater monitoring wells (December 2005). Three rounds of groundwater samples have been collected and laboratory analyzed to date.

Site soils consist of silty clay from beneath the pavement and sub-base to at least 23 feet below ground surface (bgs). A 1 to 4-foot thick zone of silty sand to sandy gravel grading to “interbedded” clay, silt and sand layers is encountered at about 6 to 9 feet bgs across the site. Highest levels of residual contamination generally correlate to this zone. Depth to groundwater ranges from 8 to 11 feet bgs, and reported groundwater flow direction has been to the northwest to north.

#### 2) Minimum Remedial Requirements:

General Summary of Scope of Work: Task 1 – research site history and layout, Task 2 – delineate the degree and extent of contamination to the southeast of the site, Task 3 – conduct four (4) rounds of quarterly groundwater monitoring, Task 4 – properly dispose of investigative wastes, Task 5 – submit reports and documentation, and Task 6 – web reporting.

### **TASK 1: Site History Evaluation**

Research the site’s history and layout, using aerial photos, Sanborn maps, City of Milwaukee fire department and building records, etc., to develop a possible explanation for high soil and groundwater contamination levels at the southeast (apparent up-gradient) corner of the site. For example, were petroleum storage tanks or system equipment ever located in this area?

**TASK 2: Soil Boring/Temporary Well Installation**

Obtain a right-of-entry agreement and/or permit from the City of Milwaukee, and/or other government or private parties as necessary for the installation of an additional soil boring. Contact the Commerce case manager immediately if difficulties obtaining access occur.

Using direct-push methods, sample one (1) soil boring to the east of monitoring well MW-11 to evaluate the degree and extent of contamination in that direction (see Figure 1 for the general boring location). For bidding purposes assume the boring will extend to 20 feet bgs.

The soil boring will be continuously sampled from the surface downward, field-screened for volatile contamination, and documented on a borehole log form. Collect two (2) soil samples from the boring for laboratory analysis of petroleum volatile organic compounds (PVOCs) and naphthalene. The laboratory samples will be collected from 1) the zone of highest obvious contamination (typically the water table smear zone) and 2) the bottom of the boring.

Install and develop a small-diameter groundwater monitoring well in the boring, and collect a groundwater sample for laboratory analysis of PVOCs, naphthalene, and soluble lead.

Properly abandon the boring and complete the required boring abandonment form.

**TASK 3: Groundwater Natural Attenuation Monitoring**

Conduct four (4) quarterly rounds of groundwater sampling for laboratory analysis, as follows.

Well	1st round	2nd round	3rd round	4th round
MW-1 through MW-3, MW-7, & MW-10 through MW-12	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
MW-5, MW-6, & MW-13	No	<b>Yes</b>	No	<b>Yes</b>

**The 3<sup>rd</sup> and 4<sup>th</sup> sampling rounds will not be conducted without written prior approval from Commerce.**

Analyze the groundwater samples for PVOCs, naphthalene, and soluble lead.

Measure groundwater elevations in all the wells, whether sampled or not, and report the data in tabular form. Prepare water table maps showing groundwater flow for each sampling round.

**TASK 4: Waste Disposal**

Properly dispose of all wastes generated from all activities conducted under this bid scope.

Provide all waste disposal documentation.

**TASK 5: Reports and Documentation**

Prepare an initial report documenting the above activities after the second quarterly groundwater sampling results are received. Results from this report will determine if Commerce will grant (written) approval to conduct the final two quarterly sampling events.

Upon completion of all site work, prepare a comprehensive final report documenting all approved Task 3 groundwater sampling activities, and any activities and documents not included in the first report.

The report will include groundwater elevation and flow maps; geologic cross-section(s) depicting the stratigraphy and contamination distribution at the site, based on the new soil boring/monitoring well data; isoconcentration maps of residual soil and groundwater contamination; updated tables/maps that effectively present the soil and groundwater contamination data for all affected properties; concentration trend analyses; and all appropriate and required field forms, maps, tables, laboratory reports, etc., required under NR 716.15.

The final report must be submitted to Commerce no later than three (3) months after completion of the bid scope of work.

As part of a compliant bid response, provide a cost estimate to complete a closure request and GIS Registry packet, in the event that site conditions are favorable for case closure (to be determined after the first report submittal or after the one-year sampling period).

### **TASK 6: Web Reporting**

See <http://commerce.wi.gov/ER/ER-PECFA-SiteReporting.html>.

### **Regarding the 2<sup>nd</sup> Page of the Bid Response:**

If necessary, subsequent cost caps may be determined using page 2 following the successful completion of the activities under the initial cost cap. Approval shall be obtained through a request to Commerce for a change order. The request shall include total costs incurred to date under the existing cap. The subsequent cost cap amount may be adjusted up (or down) based on the outcome of the specified work activities.

#### **3) Reporting Timeframes:**

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.

7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

4) Claim Submittal:

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

## **B) Questions and Answers**

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

## **SECTION 3 - Conditions of Bid**

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

#### **SECTION 4 - Instructions to Bidders**

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed directly to the program. Documents received by fax will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this

bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.

9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

### **SECTION 5 - Bidder Disqualification**

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

- 1) Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
- 2) Failed to complete the scope of work in a bid in a timely manner.
- 3) Failed to follow DNR rules on the bid project.
- 4) Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
- 5) In any prior occurrence that has been publicly bid, failed to do either of the following:
  - a. Pay subcontractors after receiving payment for them.
  - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
- 6) Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
- 7) Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

**BID RESPONSE**  
**(1<sup>st</sup> Page)**

Department of Commerce PECFA Program

**SITE NAME: Bergers Car Care**  
**COMMERCE #: 53218-1851-25**  
**BRRTS #: 03-41-529001**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 W Washington Ave, Madison WI 53703-2790 or  
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: ( ) - \_\_\_\_\_

Fax Number: ( ) - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Bidder (check one that applies):

- |                          |                        |                 |
|--------------------------|------------------------|-----------------|
| <input type="checkbox"/> | Professional Engineer  | License # _____ |
| <input type="checkbox"/> | Professional Geologist | License # _____ |
| <input type="checkbox"/> | Hydrologist            | License # _____ |
| <input type="checkbox"/> | Soil Scientist         | License # _____ |



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: \_\_\_\_\_

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

**BID RESPONSE  
(2<sup>nd</sup> Page)**

Department of Commerce PECFA Program

**SITE NAME: Bergers Car Care  
COMMERCE #: 53218-1851-25  
BRRTS #: 03-41-529001**

**Consulting Firm Name:** \_\_\_\_\_

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1	Research site history and layout	\$	_____
2	Drill and sample one soil boring; install and sample one temporary well	\$	_____
3	Four quarterly groundwater sampling events with specified lab groundwater analyses	\$	_____
4	Waste disposal	\$	_____
5a	Initial report and documentation	\$	_____
5b	Final report and documentation	\$	_____
5c	Closure form and GIS Registry packet	\$	_____
6	Web reporting	\$	_____
7	PECFA Claim Preparation	\$	_____
<b>Total Bid Amount</b>		<b>\$</b>	_____